



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: June 25, 2019

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

1. ROLL CALL

Roll Call showed 9 present.

M. Samaras presiding.

C. Mercier requested moment of silence in darkened chamber for John G. “Jack” Perry.

2. MAYOR'S BUSINESS

2.1. Recognition - Ashwini Angadi.

In City Council, C. Mercier introduced local dentist Dr. Manjula; who introduced Ms. Angadi. Ms. Angadi was recognized with a Citation for her work on programs for the visually impaired. Ms. Angadi addressed the Council.

2.2. Vote - Accept and Approve Appointment of Karen O'Beirne Interim City Auditor and establish salary effective 6.20.19.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted. Mary Callery (HR) commented on suggested salary for the interim appointment. C. Elliott questioned on the remaining process for selection of an Auditor.

3. CITY CLERK

3.1. Minutes of City Council Meeting June 11th, for acceptance.

In City Council, minutes read, **Motion** “To accept and place on file” by C. Kennedy, seconded by C. Nuon. So voted.



4. GENERAL PUBLIC HEARINGS

4.1. Ordinance-Amend Zoning by extending LI District to include all of 264, 266 Plain St and 58 Montreal St.

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Atty. Steve Geary (Geary & Geary, LLP) representing the petitioner. No remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote, 9 yeas. So voted. C. Elliott questioned amount of money owed by the petitioner under other entities. Atty. Geary noted that they were under different entities and that they have been retained to review and possibly resolve the matter.

5. UTILITY PUBLIC HEARING

5.1. National Grid - Request permission to replace existing gas main from 1847 Middlesex Street to Chelmsford town line.

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Cirillo, seconded by C. Conway. So voted. Charles McCarthy (Natl. Grid) spoke in favor of the petition. Natasha Vance (Transportation Engineer) spoke in favor of the petition. C. Elliott commented on repaving of area. C. Mercier questioned if any performance bonds are in place on the projects. Christine Clancy (City Engineer) commented on the bonding.

5.2. National Grid - Request permission to replace existing gas main on Chelmsford Street between Howard and Liberty Street.

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Cirillo, seconded by C. Leahy. So voted. Charles McCarthy (Natl. Grid) spoke in favor of the petition. Natasha Vance (Transportation Engineer) spoke in favor of the petition.

5.3. National Grid - Req. reconstruction of gas pressure regulator station with associated piping and installation of updated safety measures at Moulton Square.

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Conway. So voted. Charles McCarthy (Natl. Grid) spoke in favor of the petition. Ms. Clancy spoke in favor of the petition.



5.4. Waveguide - Req. installation of 450 feet of underground and below bridge conduit at Pawtucket St. Bridge over Northern Canal. (TIGER Bridge Project)

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Cirillo, seconded by C. Mercier. So voted. Steve Jancko (Waveguide) and Claire Ricker (DPD) spoke in favor of the petition.

5.5. National Grid/Verizon NE - request installation of (1) JO Pole located at 12 Manchester Street.

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Milinazzo. So voted. Richard Jackson (Natl. Grid) spoke in favor of the petition. C. Leahy commented on continuing double pole issues in the City. Ms. Clancy noted upcoming meeting to further the discussion of the issues.

5.6. National Grid/Verizon NE - request installation of (1) JO Pole located at Manchester and Quebec Streets.

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Milinazzo, seconded by C. Cirillo. So voted. Richard Jackson (Natl. Grid) spoke in favor of the petition.

5.7. National Grid/Verizon NE - request installation of (1) JO Pole located on Court Street.

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Cirillo, seconded by C. Nuon. So voted. Richard Jackson (Natl. Grid) spoke in favor of the petition.

5.8. National Grid/Verizon NE - request installation of (1) JO Pole on Lundberg Street.

In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Cirillo. So voted. Richard Jackson (Natl. Grid) spoke in favor of the petition.

5.9. Waveguide (for Extenet Systems, Inc.) - request installation of cell antenna at Pawtucket Street Bridge over Northern Canal (TIGER Project).



In City Council, Given 2nd Reading. Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Cirillo, seconded by C. Conway. So voted. Steve Jancko (Waveguide) and Claire Ricker (DPD) spoke in favor of the petition.

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

Manager Donoghue recognized the retirement of Karen Moynihan. Ms. Moynihan addressed and thanked the body.

In City Council, **Motion** “To accept and place on file” by C. Mercier, seconded by C. Cirillo. So voted.

A) Motion Response - Water Infrastructure Update – M. Samaras noted inspection of the system is important. C. Elliott commented on trouble spots with lead piping. Mark Young (Ex. Dir. Water/Wastewater) commented on lead programs.

B) Motion Response - Monument at Lemieux Park – C. Cirillo commented on work done at the site.

C) Motion Response - LFD and LPD Renovations Update – C. Leahy commented on work at the police station. Ralph Snow (DPW) updated the work being done at police locker room. C. Leahy noted work being done at various fire stations. Mr. Snow noted they were working through lists provided and that they are constantly in these locations. C. Leahy questioned status of the Ferry Street fire house roof. Mr. Snow noted work was being done in house and will start shortly. C. Nuon requested time frame for police station work. Mr. Snow noted once contract is signed they would have better idea of time.

D) Motion Response - Add to Paving Lists – C. Cirillo commented on the report. C. Leahy commented on Western Avenue and Mill Street areas.

E) Motion Response - NGrid Gas Safety – C. Mercier noted the report and her concern for consumer safety. M. Samaras commented on meeting with National Grid regarding safety. Manager Donoghue noted internal meeting which could not be done publically due to Homeland Security issues. Ms. Clancy commented on the safety meeting. C. Nuon commented on safety in the City along with infrastructure concerns.

F) Motion Response - Traffic Calming Issues – C. Leahy noted a different approach was needed to address concerns. **Motion** by C. Elliott, seconded by C. Nuon to refer matter to Transportation SC. So voted. C. Elliott commented on the number of



MassDOT projects in the City. Ms. Vance commented on the report and how it will assist with various traffic requests.

G) Motion Response - Ridesharing Pickup Zones – C. Elliott commented on use of service. Manager Donoghue recognized Ms. Vance in connecting with various vendors to participate in the program.

H) Motion Response - 15 Minute Parking Middlesex St – C. Cirillo noted it was part of a 60 Day Trial.

I) Motion Response - Clemente Baseball Field Update – C. Nuon noted report was a step back and frustrating. Dianne Tradd (DPD) outlined the history of the report and the difficulty of the project. C. Leahy noted the lack of community involvement regarding National Grid. C. Milinazzo recommended use of a solar company to light the area. C. Kennedy commented on the condition of buildings at Alumni Field and the importance of the stadium. C. Cirillo supported the use of a solar company to light area. C. Mercier recognized the costs of such a project. C. Conway commented on importance to community of Alumni Field. C. Elliott noted use of solar energy and contributions from community organizations. C. Leahy noted money from rental of part of Alumni Stadium parking lot.

J) Motion Response - Citywide Traffic Plan Over Next 5 Years – C. Leahy questioned if projects could be speeded along. Ms. Vance commented on the projects. C. Mercier noted Andover Street project at the Tewksbury line. C. Conway noted the condition of that stretch of Andover Street.

K) Motion Response - Bus Shelter – M. Samaras commented on the report. Manager Donoghue commented on future of the project. C. Mercier noted the need for parking spaces to be taken and recommended possible work to be done by Voke School. Ms. Tradd noted the need to be ADA compliant with any construction.

L) Motion Response - Business Attraction – C. Conway noted the need to improve economic development. Eric Slagle (Insp. Services) noted costs with updating older buildings. Andrew Shapiro (DPD) noted costs and efforts of part of City to assist with rehab costs. C. Conway questioned progress being done. Ms. Tradd commented of different approaches being utilized. Mr. Shapiro commented on recent Economic Development SC meeting. C. Kennedy commented on use of buildings downtown and noted problem buildings. Manager Donoghue commented on economic development team.



M) Motion Response - Lighting Along River and Canal Walkways – C. Cirillo commented on safety concerns. Chris Hayden (DPD) commented on the area.

N) Motion Response - Car Condo and Neighborhood Parking – C. Cirillo noted efforts to increase parking.

O) Motion Response - Letter Readings – C. Cirillo commented on program being developed.

P) Motion Response - Inspector Tablets – None.

Q) Motion Response - Rental Property Registry – C. Elliott commented on data being developed and ensuring it would be fully utilized. Manager Donoghue commented on current approach. Mr. Slagle noted current procedures.

6.2. Petition Response

R) Petition Response - Park Street – Ms. Vance outlined recommendations and noted it would be part of a 60 Day Trial. C. Leahy noted the City had created the problem. C. Mercier questioned if petitioner had been notified of recommendations.

6.3. Informational Reports

S) Informational Report - Construction Projects – Manager Donoghue provided update. C. Leahy questioned status of Beaver Brook project. Ms. Clancy noted there were two projects and both were progressing. C. Cirillo commented on scheduling.

6.4. Communication - Planning Board recommendation for proposed zoning amendment to extend Light Industrial (LI) to include parcels at 264 and 266 Plain Street and 58 Montreal Street.

In City Council, **Motion** “To accept and place on file” by C. Nuon, seconded by C. Mercier. So voted.

6.5. Communication - City Manager request Out of State Travel (1) LPD.

In City Council, read, **Motion** to adopt by C. Nuon, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7. VOTES FROM THE CITY MANAGER

7.1. Vote-Auth. Mgr. Ex. First Amendment-Main Street Massachusetts, LLC-Spinners Lease.



In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. C. Leahy commented on the lease. Manager Donoghue outlined changes.

7.2. Vote-Endorsing the Approval of the 2019 Open Space and Recreation Plan.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Milinazzo, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.3. VOTE-SET SPENDING LIMITS TO REVOLVING FUND FY20.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Kennedy. Adopted per Roll Call vote 9 yeas. So voted.

Motion to bundle and adopt Items #7.4 and #7.5 by C. Conway, seconded by C. Nuon. So voted.

7.4. VOTE-APPROVE PAYMENT OF UNPAID INVOICES FROM PRIOR FISCAL YEARS FOR SENIOR CENTER.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott noted invoices were old. Conor Baldwin (CFO) noted the City needs to pay old bills C. Mercier commented on Friends of the Council of Aging noting she was a member and outlined their function.

7.5. VOTE-APPROVE PAYMENT OF UNPAID INVOICES FROM PRIOR FISCAL YEARS FOR THE SCHOOL DEPT.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier commented on bills especially one for the independent audit. C. Elliott noted the need for accountability at school department and process in place must be followed. Mr. Baldwin noted need to communicate between school department and the City is vital for process to work. **Motion** by C. Elliott, seconded by C. Mercier to refer to Finance SC for discussion. So voted. C. Nuon recognized the amount and the need to adhere to process. C. Milinazzo noted parties should be certified for public procurement and that parties should not be unjustly critical of each other. C. Leahy noted payments are from school budget.



Motion to bundle and adopt Items # 7.6 to #7.17 inclusive by C. Kennedy, seconded by C. Cirillo. So voted. C. Elliott noted transfers indicate sound financial management by City. Mr. Baldwin commented on use of transfers. C. Mercier commented on transfer for bus for Council of Aging. Mr. Baldwin outlined that funding source and that the bus was almost completed.

7.6. Vote-Transfer 1,000,000.00 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.7. Vote-Transfer 113,429 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.8. Vote-Transfer 130,201.00 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.9. Vote-Transfer 155,000.00 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.10. Vote-Transfer 192,000 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.11. Vote-Transfer 20,000 to Disability Revolving Account.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.12. Vote-Transfer 213,000.00 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.



7.13. Vote-Transfer 32,003.47 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.14. Vote-Transfer 5,000.00 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.15. Vote-Transfer 548,000.00 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.16. Vote-Transfer 6,000.00 to cover various financial obligations.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

7.17. Vote-Transfer 65,101.97 to move receipts to New Police Training Revolving Fund.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

8. ORDERS FROM THE CITY MANAGER

8.1. Order-60 day trial (various).

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Cirillo, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted.

8.2. Order-Vacate, Discontinue and Abandon Lequin Avenue.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on July 23, 2019 at 7 PM by C. Cirillo, seconded by C. Elliott. So voted.

8.3. Order-Vacate, Discontinue and Abandon portion of Middlesex St. and portion of Thorndike St.



In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on July 23, 2019 at 7 PM by C. Cirillo, seconded by C. Nuon. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Economic Development SC June 25, 2019 (Cont. from 3/26/19).

In City Council, C. Kennedy requested to provide report at next meeting on July 9, 2019. No objections.

Motion to bundle and adopt Items #9.2, #9.3 and #9.4 by C. Cirillo, seconded by C. Nuon. So voted.

9.2. Wire Insp. - National Grid - Req. installation of (1) SO Pole at 500 Wentworth Avenue.

In City Council, **Motion** to accept and adopt the accompanying order by C. Cirillo, seconded by C. Nuon. So voted.

9.3. Wire Insp. - National Grid - Req. installation of (1) SO Pole on Woburn Street at intersection of Easton Street.

In City Council, **Motion** to accept and adopt the accompanying order by C. Cirillo, seconded by C. Nuon. So voted.

9.4. Wire Insp. - National Grid - Req. installation of 2-3 inch underground electric conduit 27 West Third Street.

In City Council, **Motion** to accept and adopt the accompanying order by C. Cirillo, seconded by C. Nuon. So voted.

10. PETITIONS

10.1. Claim - (1) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Milinazzo, seconded by C. Nuon. So voted.

10.2. National Grid - Req. installation of (1) SO Pole at 90 Old Ferry Road.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on July 23, 2019 at 7 PM by C. Cirillo, seconded by C. Nuon. So voted.



11. CITY COUNCIL - MOTIONS

11.1. C. Leahy/C. Elliott/C. Mercier/C. Cirillo - Req. City Mgr. meet with Tsongas Arena Commission regarding the management company at the Arena.

In City Council, no second needed, referred to City Manager. So voted. C. Leahy noted the need for information during events. C. Elliott noted neighborhood meeting. C. Mercier commented on the need to reach out to community. Manager Donoghue noted the need for communication. C. Mercier referenced Item #11.5 noting need for notice. C. Cirillo commented on meeting regarding events.

11.2. C. Leahy/C. Conway - Req. Rules SC examine possibility of restructuring City Council agenda so that motions can be placed at the beginning of said agenda.

In City Council, no second needed, referred to Rules SC. So voted. C. Conway provided reasoning behind motion and that it may provide better information for public.

11.3. C. Leahy - Req. City Mgr. provide update to City Council regarding contract with Verizon for the placement of smart technology on poles throughout the City.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy requested review of agreement.

11.4. C. Conway - Req. City Mgr. meet with City Solicitor to formally request a copy of all "Time Sheets" reflecting hours spent and tasks billed by attorneys; as well as costs and expenses for the litigation of Huot et al v. City of Lowell.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Conway noted the need to understand what tax payer money is being used for. Atty. Rachel Brown (Asst. City Solicitor) commented on pending confidentiality agreement of the parties.

11.5. C. Mercier - Req. City Mgr. have Transportation Engineer find ways and means to improve traffic safety at the Perkins/Aiken Streets intersection during events at the ball park.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Mercier noted prior discussion under Item # 11.1.

11.6. C. Mercier - Req. City Mgr. have proper department explore options into making the fountain at JFK Plaza more appealing.



In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Mercier noted the need to beautify the area. Manager Donoghue noted there is planning being done.

11.7. C. Mercier - Req. City Mgr. have proper department install additional speed limit signs on Andover Street.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Mercier commented on the need for signage.

11.8. C. Cirillo - Req. City Mgr. have the proper department work with the theater and arts community to collaborate on the City of Lowell hosting National Film Festival.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo read letter of support into record.

11.9. C. Cirillo - Req. City Mgr. have proper department review parking/traffic issues on Riverside Street, between Alma and Lafayette Streets in Pawtucketville.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo noted the resident request.

11.10. C. Milinazzo - Req. City Mgr. have Transportation Engineer review inbound left turn in front of Hannaford's on Rogers Street ; this left turn was not supposed to be allowed when Hannaford's was approved.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Milinazzo noted the area of concern.

11.11. M. Samaras - Req. City Mgr. instruct proper department to look into completing the paving of the sidewalk on Hovey Street between Luce St. and Parkview.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. M. Samaras noted the need for sidewalks on both sides of street.

12. CITY COUNCIL - EXECUTIVE SESSION

12.1. Executive Session - For purposes of discussing executive session minutes, notes, and materials in connection with the lawsuit Huot et al v City of Lowell et



al, to determine whether such minutes, notes, and materials may be released under the public records law.

In City Council, M. Samaras stated reason for Executive Session, **Motion** by C. Cirillo, seconded by C. Nuon to enter Executive Session for stated purpose and to adjourn from Executive Session (9:30 PM). Adopted per Roll Call vote 9 yeas. So voted. M. Samaras stated that body would adjourn from the Executive Session.

13. ANNOUNCEMENTS

In City Council, C. Mercier noted Kerouac Park opening.

14. ADJOURNMENT

In City Council, **Motion** to Adjourn in Executive Session by C. Elliott, seconded by C. Leahy. So voted.

Meeting adjourned at 9:55 PM.

Michael Geary, City Clerk